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Docket # PF-0187-2 DIV

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By: Nancy Ramos
Printed: Nancy Ramos

JC853 U.S.P.T.O.
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11/29/00

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
REQUEST FOR FILING A PATENT APPLICATION UNDER 37 CFR 1.53(b)**

Commissioner for Patents
Box Patent Application
Washington, D.C. 20231

Dear Sir:

This is a request for filing a **DIVISIONAL** application under 37 CFR 1.53(b) of pending prior application Serial No.09/151,412, filed on September 10, 1998, which is a divisional of U.S. Serial No. 08/785,065, filed on January 17, 1997, issued on September 29, 1998, as U.S. Patent No. 5,814,451, entitled NOVEL SUBUNITS OF NADH DEHYDROGENASE.

1. Enclosed is a specification corresponding to the prior application, U. S. Application Serial No.08/785,065 filed January 17, 1997, including the oath or declaration as originally signed. The specification does not contain any subject matter that would have been new matter in the prior application.
2. With regard to the requirement of 37 CFR 1.821(e) which requires that a copy of the Sequence Listing in computer readable form (CRF) be submitted, Applicants state that the paper copy of the Sequence Listing for the instant divisional application is identical with the computer readable form filed with Serial No. 08/785,065, filed January 17, 1997, to which priority is claimed. In accordance with 37 C.F.R. §1.821(e), please use the computer readable form filed with U.S. Application Serial No. 08/785,065 as the computer readable form for the instant divisional application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the computer readable form that will be used for the instant divisional application.
3. The inventor(s) of the invention being claimed in this application is (are): Olga Bandman; Surya K. Goli; Jennifer L. Hillman.
4. In accordance with 37 CFR 1.63(d) a copy of the originally signed declaration showing

applicants' signature(s) as filed on May 12, 1997 is enclosed.

5. Amend the specification by inserting after the title: "This application is a divisional application of U.S. application serial number 09/151,412, filed September 10, 1998 , all of which applications and patents are hereby incorporated herein by reference."
6. The filing fee is calculated below:

| Claims | Number Filed | Minus | Number Extra | Other Than Small Entity Rate | Basic Fee | |
|--|--------------|-------|----------------|------------------------------|-------------|------|
| | | | | | \$710.00 | |
| Total Claims | 13 | -20 | | x \$18 | | \$ 0 |
| Indep. Claims | 1 | -3 | | x \$80 | | \$0 |
| <u>Multiple Dependent Claim(s), if any</u> | | | <u>+ \$270</u> | | <u>\$ 0</u> | |

TOTAL FILING FEE \$ 710.00

7. An extension of time in the above-named prior application has been requested and the fees therefore have been authorized in said application.
8. Please charge Deposit Account No. 09-0108 in the amount of \$ 710.00.

The Commissioner is hereby authorized to charge any additional fees which may be required or credit any overpayment to Deposit Account No. 09-0108.

A duplicate copy of this Request is enclosed.

9. New formal drawings are enclosed.
10. The prior application is assigned of record to Incyte Pharmaceuticals, Inc, recorded on May 16, 1997, at reel 8511/frame 0341.
11. A preliminary amendment is enclosed.
12. Also enclosed Revocation of Power of Attorney, Appointment of New Power; Information Disclosure Statement; List of References Cited (PTO form 1449).
13. The power of attorney of the prior application is to:

Narinder S. Banait
Adam Warwick Bell
Lucy J. Billings

Reg. No. 43,482
Reg. No. 43,490
Reg. No. 36,749

| | |
|------------------------|-----------------|
| Michael C. Cerrone | Reg. No. 39,132 |
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| Susan K. Sather | Reg. No. 44,316 |
| David G. Streeter | Reg. No. 43,168 |
| Christopher Turner | Reg. No. 45,167 |
| Peng Ben Wang | Reg. No. 41,420 |

The associate power of attorney in the prior application is to:

- a. An associate power of attorney is attached.
- b. Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- c. Address all future correspondence to:

INCYTE GENOMICS, INC.
PATENT DEPARTMENT
3160 Porter Drive
Palo Alto, California 94304
Phone: (650) 855-0555, Fax: (650) 845-4166

Date: 29 Nov 2000

By:



Adam Warwick Bell, D.Phil.
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- Inventor(s)
- Assignee of complete interest
- Attorney or agent of record
- Filed under 37 CFR 1.34(a)
- Registration number if acting under 37 CFR 1.34(a) _____.